


jurisdiction may be raised at any time either by a litigant or the court. Mansfield, C & L.M.R. Co. v. Swan, 111 U.S. 379, 382 (1884). “When a federal court concludes that it lacks subject matter jurisdiction, the court must dismiss the complaint in its entirety.” Mosley v. Wells Fargo Bank, N.A., 802 F.Supp.2d 695, 698 (E.D.Va. 2011) (quoting Arbaugh v. Y & H Corp., 546 U.S. 500, 514 (2006)); see also Fed. R. Civ. P. 12(h)(3) (“Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action”). “A court has an independent duty to ensure that jurisdiction is proper, and, if there is a question as to whether such jurisdiction exists, must raise lack of subject matter jurisdiction on its own motion, without regard to the positions of the parties.” Id.

For federal diversity jurisdiction to exist the suit must be between “citizens of different states” and the amount in controversy must exceed seventy-five thousand (75,000) dollars. 28 U.S.C. § 1332(a)(1). Because the amount in controversy is fifty-six thousand (56,000) dollars, the difference between the coverage amount Plaintiff alleges she is entitled to, eighty thousand (80,000) dollars, and the coverage amount Defendant determined, twenty-four thousand (24,000) dollars, the amount in controversy requirement is not met and the claims cannot be heard in federal court on the basis of federal diversity subject-matter jurisdiction.

For the foregoing reasons, Plaintiff’s Complaint is DISMISSED for lack of subject matter jurisdiction. IT IS THEREFORE ORDERED that Plaintiff’s Complaint (Doc. No. 1) is DISMISSED *without prejudice*. The Court respectfully directs the Clerk of Court to TERMINATE all pending motions and deadlines and CLOSE THE CASE.

Signed: April 23, 2014


Frank D. Whitney
Chief United States District Judge



